

**DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890**

Action ID No. 200430595

April 1, 2004

PUBLIC NOTICE

The North Carolina Department of Transportation, ATTN: Dr. Gregory J. Thorpe, Director, Project Development and Environmental Analysis Branch, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548 has applied for a Department of the Army (DA) permit TO DISCHARGE DREDGED OR FILL MATERIAL INTO 718 LINEAR FEET OF STREAM CHANNEL FROM CULVERT INSTALLATION, SLOPE AND OUTLET STABILIZATION ACTIVITIES AND RELOCATE 935 LINEAR FEET OF STREAM CHANNEL ON UNNAMED TRIBUTARIES TO THE WEST FORK OF THE FRENCH BROAD RIVER AND MILL BRANCH TO FACILITATE THE PAVING AND WIDENING OF A 4.5-MILE SECTION OF NC HIGHWAY 281, NORTH OF LAKE TOXAWAY, TRANSYLVANIA COUNTY, NORTH CAROLINA. (TIP NO. R-619E, STATE PROJECT NO. 34351.1.5).

The following description of the work is taken from data provided by the applicant and from observations made during an onsite visit by a representative of the Corps of Engineers. Plans submitted with the application show the proposed widening of a 4.5-mile section of NC Highway 281 from the Jackson/Transylvania County line to just north of SR 1307 in Transylvania County. The project would entail the widening of the existing gravel road to a 20-foot roadway width including the relocation of 1,650 feet of the existing road to eliminate several switchbacks along the existing alignment. A total of 25 culverts would be replaced or extended and several unnamed tributaries would be relocated for a total of 1,653 linear feet of impact. Existing culverts would be extended distances from 5 to 45 feet. New culverts would be installed at Sites 1, 14, 15, 20, 25, and 26 below the existing streambed. It is anticipated that the remaining culverts would be perched due to steep topography and bedrock. Perched culverts would be corrected during installation if site conditions allow. Plans also show the placement of rip-rap at the outfall of culverts to maintain stability and to prevent erosion. Proposed outlet stabilization would impact channel lengths from 6 to 40 feet. Total stream impacts due to culvert installation and outlet protection would be 718 linear feet. Stream relocations would be performed using natural channel design and relocated channels would be stabilized with erosion control matting and vegetation. Impacts to stream channels from channel change and roadside stream relocations would be 935 linear feet. No wetlands would be impacted by the proposed project. The applicant has not provided a mitigation plan to compensate for the unavoidable impacts to streams from culvert installation for this project. The adequacy of this mitigation proposal will be evaluated for consistency with current mitigation policy and guidelines during this permit review. The purpose of the proposed work is to provide necessary road maintenance and improve highway safety. Plans showing representative portions of the proposed

work are included with this public notice. A complete set of permit plans can be viewed at the Asheville Regulatory Field Office, US Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, NC, 28801-5006.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Department of Environment and Natural Resources (NCDENR) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1)

guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

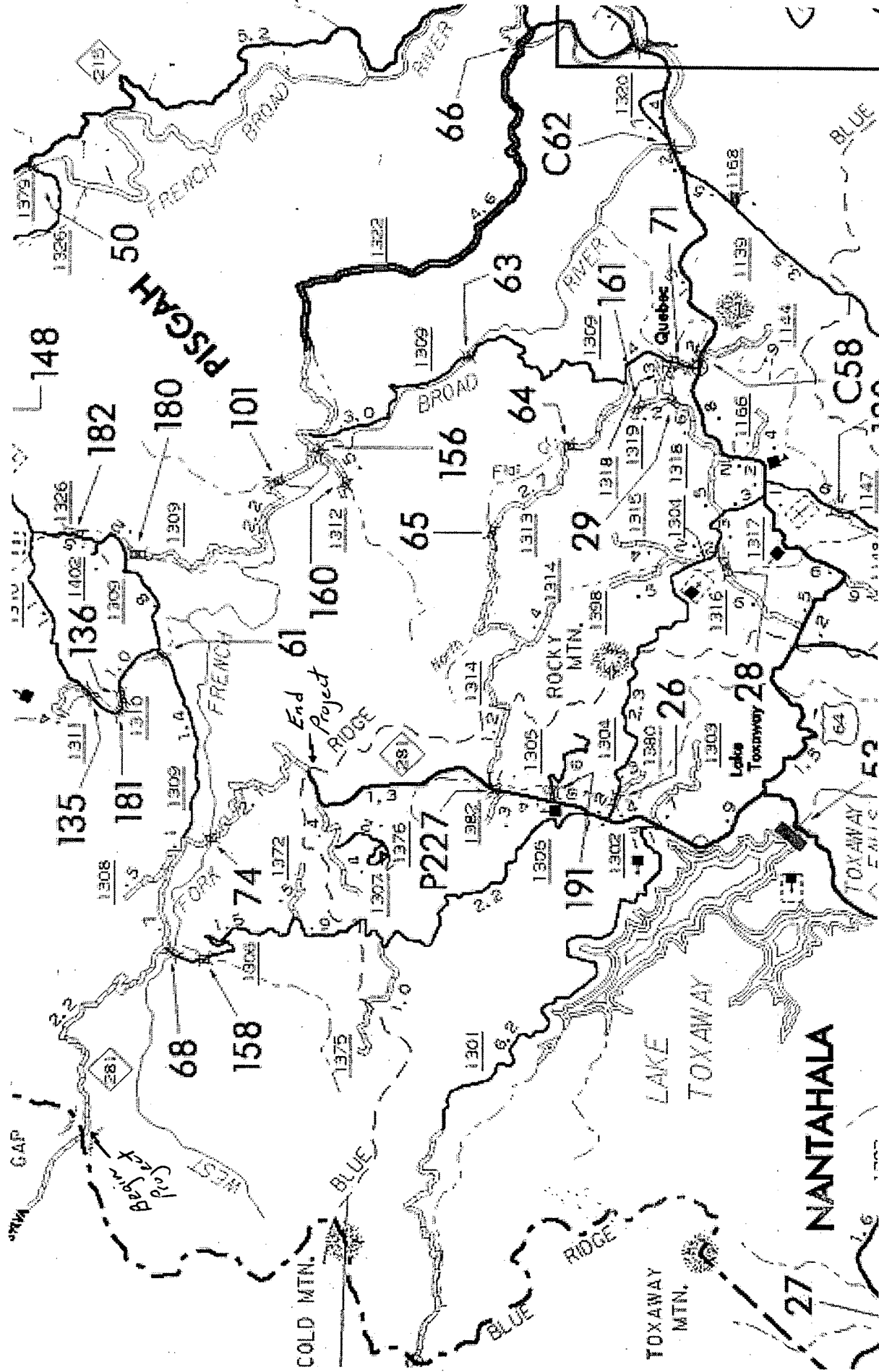
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts, including secondary and cumulative impacts, of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306 and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the 401 Wetlands Certification Unit, North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Blvd., Raleigh, North Carolina 27604. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality Wetlands Section, 1621 Mail Service Center, Raleigh, North Carolina 27626-0621, on or before April 26, 2004, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Steven Lund, until 4:15 p.m., May 3, 2004, or telephone (828) 271-7980.



ACTION ID 200430595

PUBLIC NOTICE SHEET 1 OF 12

NC 281 R-619E

Transylvania County



Name: LAKE TOXAWAY
 Date: 1/28/2004
 Scale: 1 inch equals 1379 feet

Location: 035° 11' 04.26" N 082° 56' 59.76" W
 Caption: NC 281 Transylvania County
 R 619-E
 Stream Impact Sites

PUBLIC NOTICE SHEET 2 OF 12

22. Table of Impacts for R-619E NC 281 Transylvania County Individual 404 Permit Application
Stream Impacts, including all intermittent and perennial streams

Stream Impact Site Number (indicate on map)	Type of Impact*	Length of Impact (linear feet)	Stream Name	Average Width of Stream Before Impact	Perennial or Intermittent? (please specify)
Site 1	Culvert Extension	15	UT to W Fork French Broad	1'	P
	Outlet Stabilization	6	UT to W Fork French Broad	1'	P
Site 2	Culvert Extension	15	UT to W Fork French Broad	1'	P
	Outlet Stabilization	40	UT to W Fork French Broad	1'	P
Site 3	Culvert Extension	15	UT to W Fork French Broad	1'	P
	Outlet Stabilization	6	UT to W Fork French Broad	1'	P
Site 4	Culvert Extension	5	UT to W Fork French Broad	1'	P
	Outlet Stabilization	20	UT to W Fork French Broad	1'	P
Site 5	Culvert Extension	5	UT to W Fork French Broad	1'	P
	Outlet Stabilization	30	UT to W Fork French Broad	1'	P
Site 6	Culvert Extension	10	UT to W Fork French Broad	1'	P
	Outlet Stabilization	40	UT to W Fork French Broad	1'	P
Site 7a	Culvert Extension	10	UT to W Fork French Broad	2'	P
	Outlet Stabilization	12	UT to W Fork French Broad	2'	P
Site 7b	Roadside Stream Relocation	65	UT to W Fork French Broad	2'	P
Site 8	Roadside Stream Relocation	590	UT to W Fork French Broad	2'	P
Site 9	Culvert Replacement	0	UT to W Fork French Broad	1'	P
	Outlet Stabilization	26	UT to W Fork French Broad	2'	P
Site 10	Culvert Extension	25	UT to W Fork French Broad	1'	P
	Outlet Stabilization	20	UT to W Fork French Broad	1"	P
Site 11	Culvert Extension	15	UT to W Fork French Broad	1'	P
	Outlet Stabilization	6	UT to W Fork French Broad	1'	P
Site 12	Culvert Extension	5	UT to W Fork French Broad	3'	P
	Outlet Stabilization	20	UT to W Fork French Broad	3'	P
Site 13a	Culvert Extension	10	UT to W Fork French Broad	1'	P
	Outlet Stabilization	20	UT to W Fork French Broad	1'	P
Site 13b	Roadside Stream Relocation	80	UT to W Fork French Broad	1'	P
Site 14	Culvert Extension	10	Mill Branch	5'	P
Site 15	Culvert Extension	40	UT to W Fork French Broad	3'	P
Site 16	Culvert Extension	35	UT to W Fork French Broad	2'	P
	Outlet Stabilization	10	UT to W Fork French Broad	2'	P
Site 17a	Channel Change	110	UT to W Fork French Broad	2'	P
Site 17b	Roadside Stream Relocation	90	UT to W Fork French Broad	2'	P
Site 18	Culvert Extension	27	UT to W Fork French Broad	6'	P

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R-619 E NC 281 TRANSYLVANIA COUNTY

Site 19	Culvert Extension	45	UT to W Fork French Broad	3'	P
	Outlet Stabilization	16	UT to W Fork French Broad	3'	P
Site 20	Culvert Extension	10	UT to W Fork French Broad	2'	P
Site 21	Culvert Extension	25	UT to W Fork French Broad	1'	P
Site 22	Culvert Extension	8	UT to W Fork French Broad	4'	P
	Outlet Stabilization	6	UT to W Fork French Broad	4'	P
Site 23	Culvert Extension	15	UT to W Fork French Broad	1'	P
	Outlet Stabilization	6	UT to W Fork French Broad	1'	P
Site 24	Culvert Reduction	(5)	UT to W Fork French Broad	3'	P
	Outlet Stabilization	6	UT to W Fork French Broad	3'	P
Site 25	Culvert Extension	5	UT to W Fork French Broad	1'	P
	Outlet Stabilization	6	UT to W Fork French Broad	1'	P
Site 26	Culvert Extension	10	UT to W Fork French Broad	1'	P
Site 27	Culvert Extension	35	UT to W Fork French Broad	1'	P
	Outlet Stabilization	6	UT to W Fork French Broad	1'	P
Site 28	Culvert Extension	20	UT to W Fork French Broad	1'	P
	Outlet Stabilization	6	UT to W Fork French Broad	1'	P

Impacts (linear feet) from culvert installation and slope and outlet stabilization 718

Impacts (linear feet) from channel change and roadside stream relocations 935

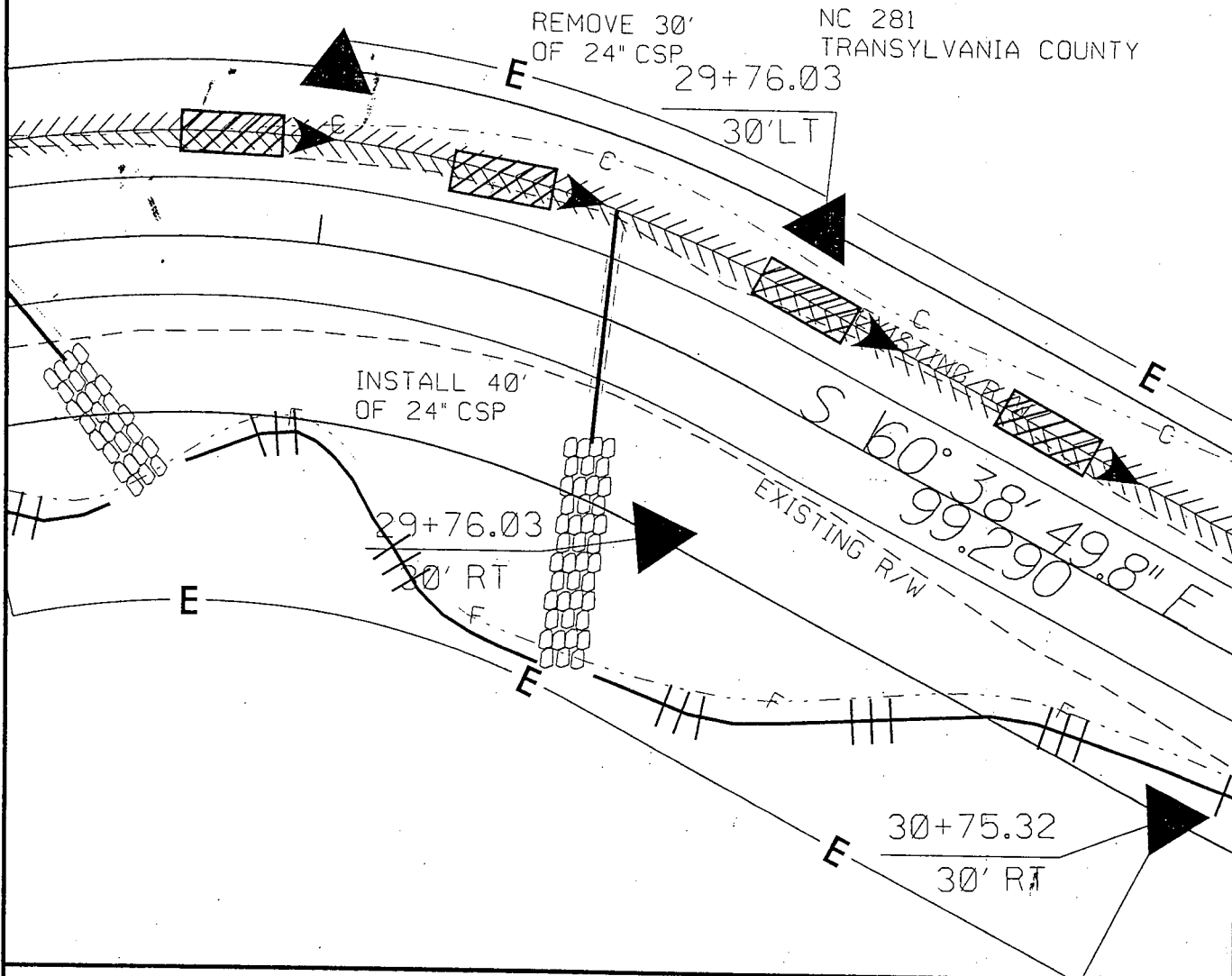
Total Impact (linear feet) 1653

Note: See Attached Cross-Sections and Stream Relocation Plans

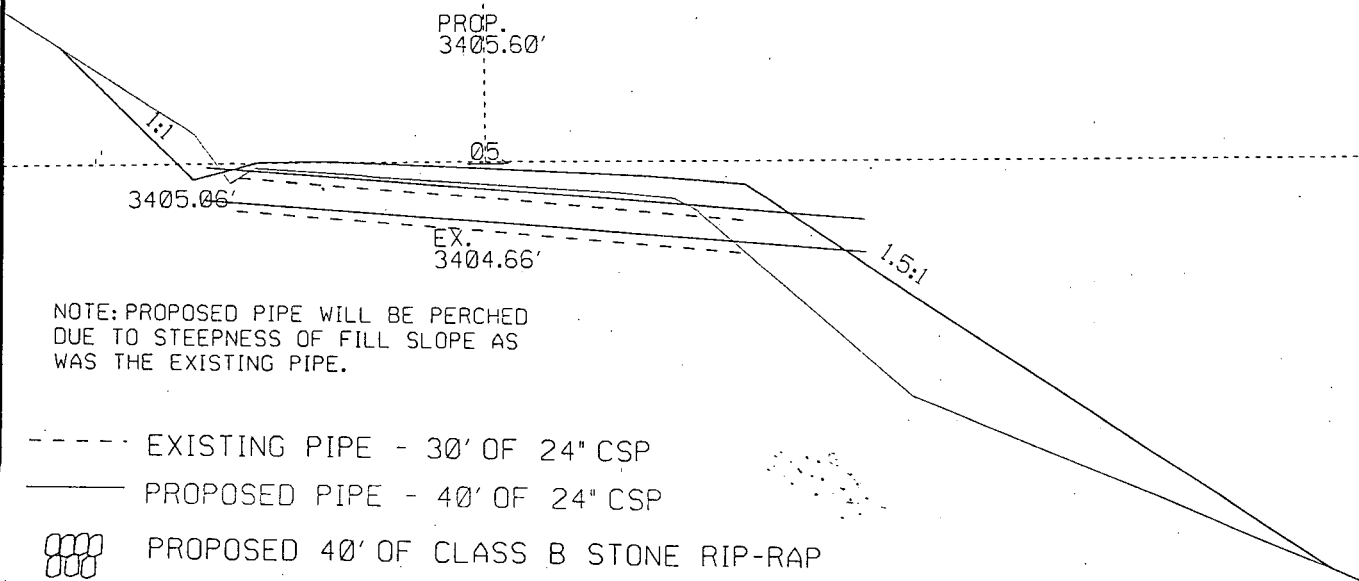
PUBLIC NOTICE SHEET 4 OF 12

SITE 6

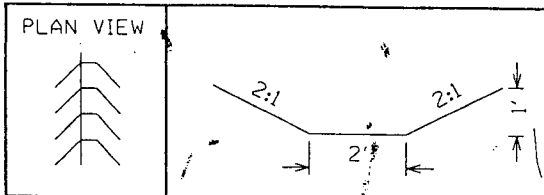
WBS 34351.1.5
R-0619E
NC 281
TRANSYLVANIA COUNTY



STATION 29+50



PUBLIC NOTICE SHEET 5 OF 12



35+50.00

30' LT

PROP. H. WALL
STD. 838.01

REMOVE 40'
OF 24" CSP

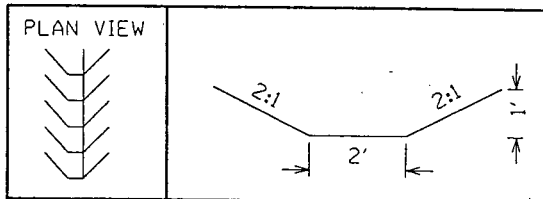
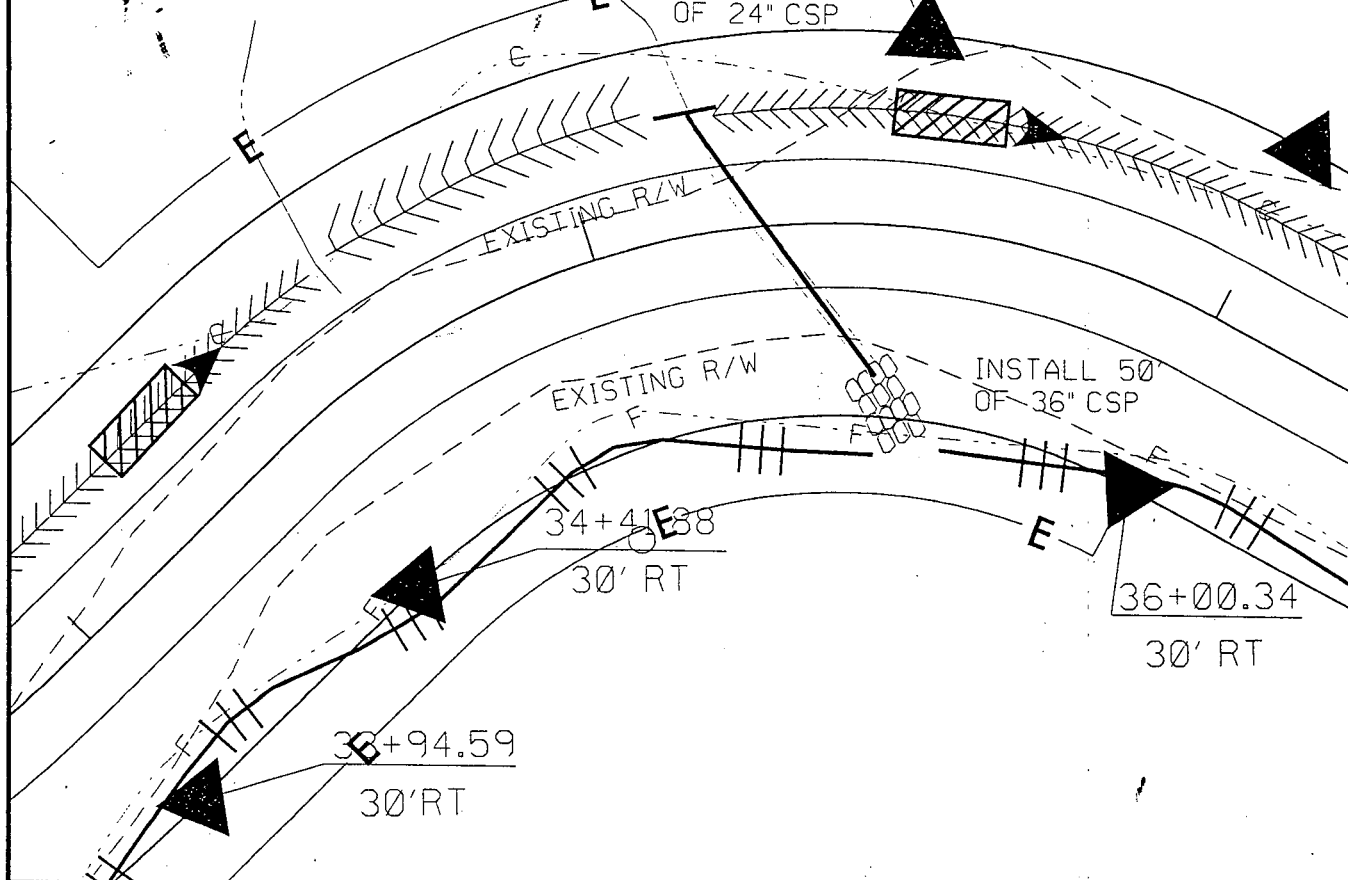
SITE 7-B

WBS 34351.1.5

R-0619E

NC 281

TRANSYLVANIA COUNTY

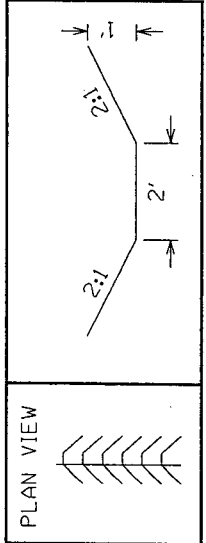


65' OF WET DITCH RELOCATION FROM
STATION 34+55 TO STATION 35+20

NOTE: CROSS VANES WILL BE INSTALLED
AT 20' INTERVALS FOR GRADE CONTROL

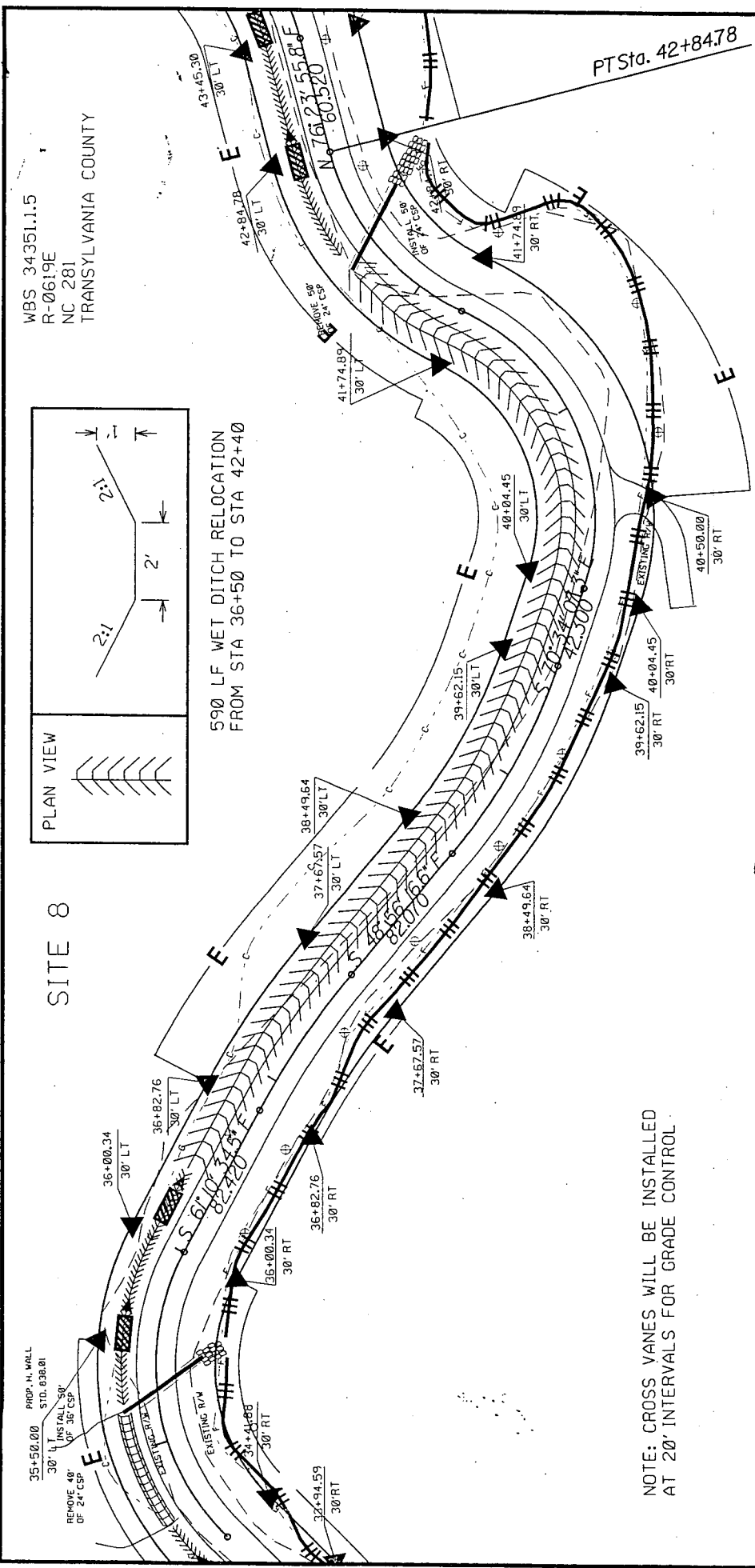
PUBLIC NOTICE SHEET 6 OF 12

WBS 34351.1.5
R-0619E
NC 281
TRANSLYANIA COUNTY



SITE 8

590 LF WET DITCH RELOCATION
FROM STA 36+50 TO STA 42+40



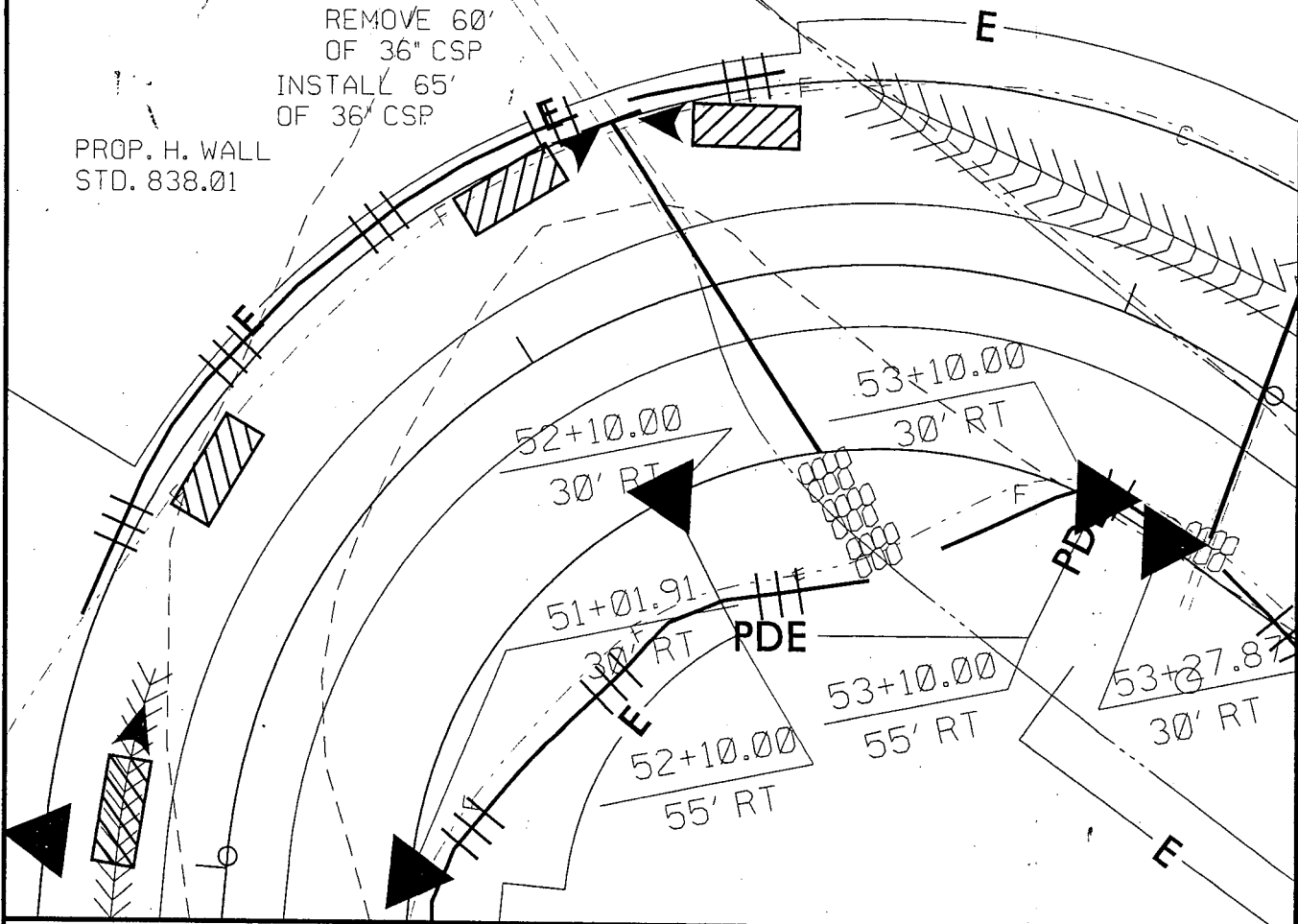
NOTE: CROSS VANES WILL BE INSTALLED
AT 20' INTERVALS FOR GRADE CONTROL

WBS 34351.1.5
R-0619E
NC 281
TRANSYLVANIA COUNTY

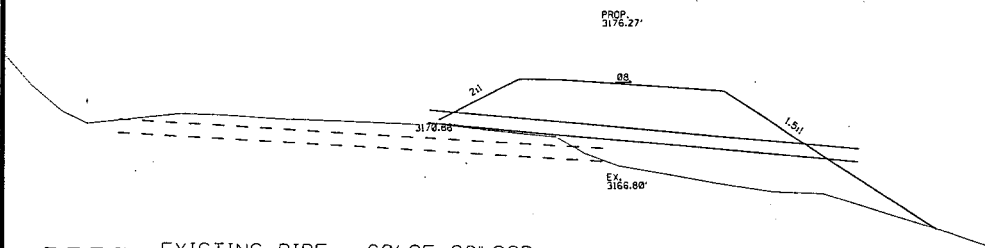
SITE 12

REMOVE 60'
OF 36" CSP
INSTALL 65'
OF 36" CSP

PROP. H. WALL
STD. 838.01



STATION 52+30



--- EXISTING PIPE - 60' OF 36" CSP
— PROPOSED PIPE - 65' OF 36" CSP



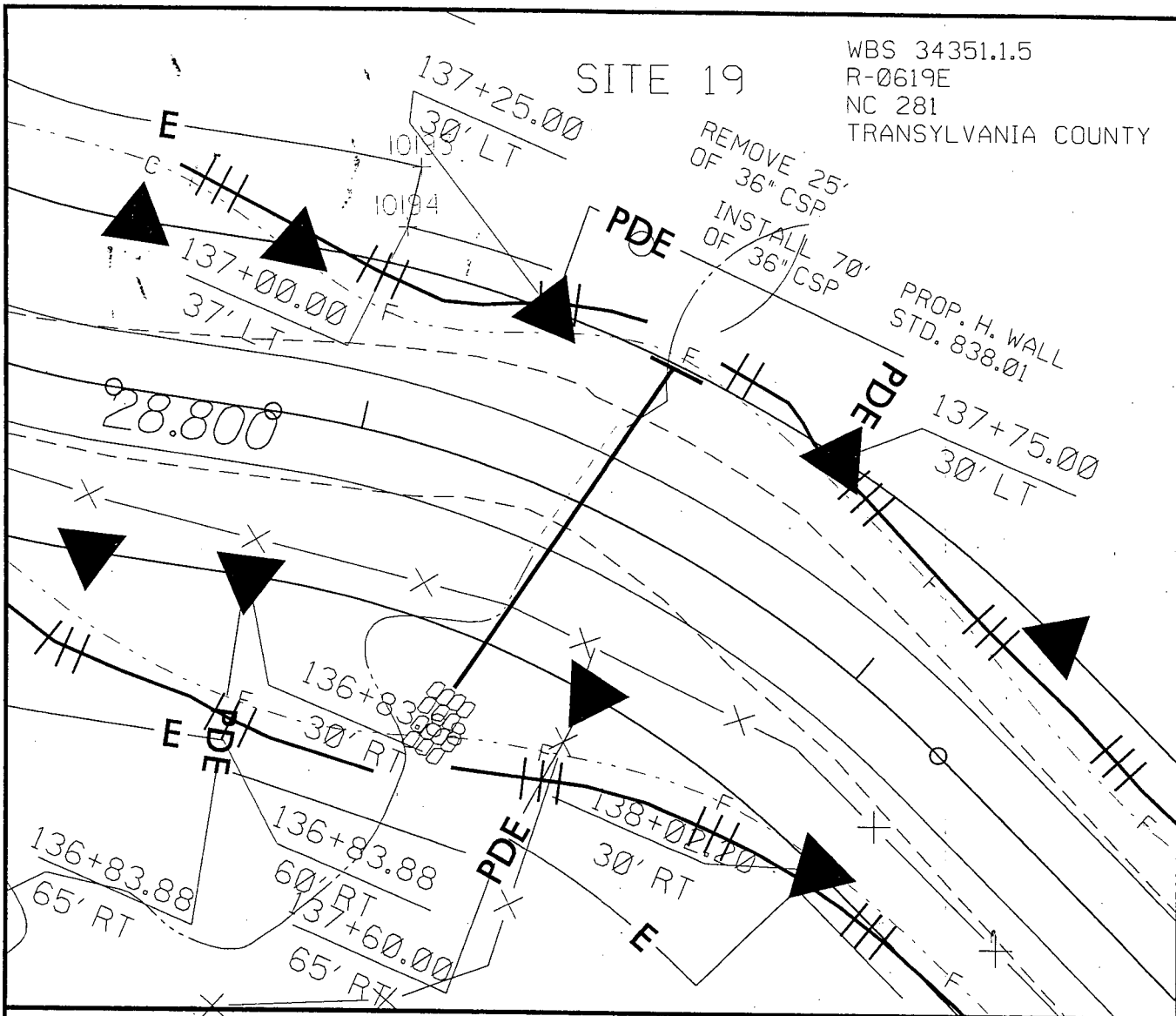
PROPOSED 20' OF CLASS B STONE RIP-RAP

NOTE: PROPOSED PIPE WILL BE PERCHED
DUE TO STEEPNESS OF FILL SLOPE AS
WAS THE EXISTING PIPE.

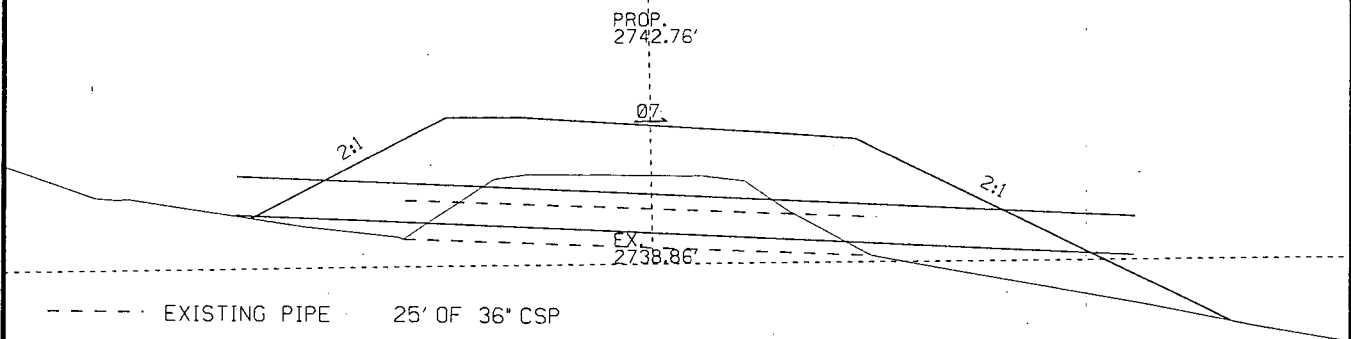
WHERE EXISTING PIPE IS REMOVED FROM
EXISTING ROAD, STREAM BANKS WILL BE
SLOPED, MATTED, AND PLANTED WITH
NATIVE RIPARIAN VEGETATION.


SITE 19

WBS 34351.1.5
R-0619E
NC 281
TRANSYLVANIA COUNTY



STATION 137+55

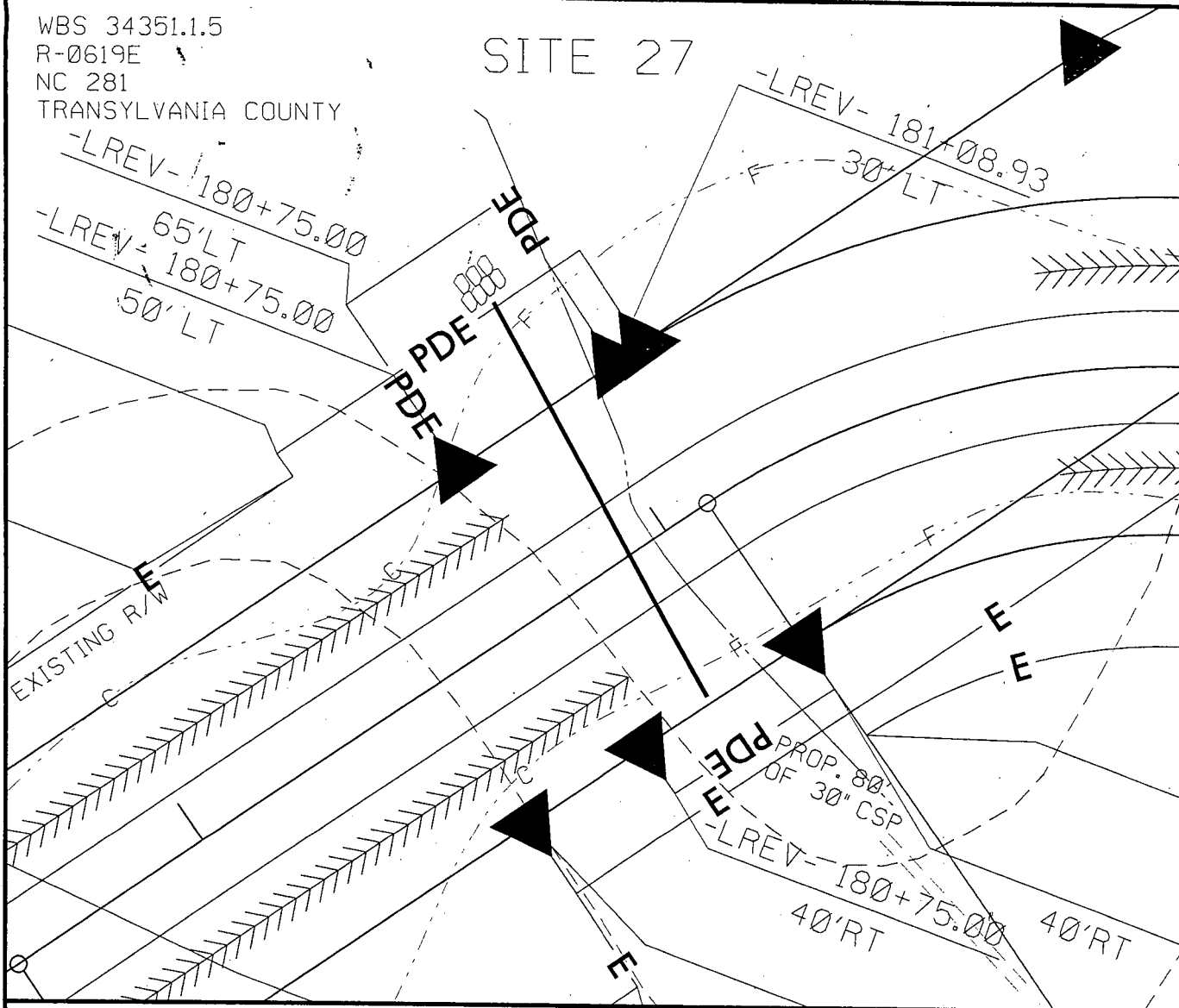


- EXISTING PIPE 25' OF 36" CSP
- PROPOSED PIPE 70' OF 36" CSP
-  PROPOSED 16' OF CLASS B STONE RIP-RAP

NOTE: PROPOSED PIPE WILL BE PERCHED
DUE TO STEEPNESS OF FILL SLOPE AS
WAS THE EXISTING PIPE.

WBS 34351.1.5
R-0619E
NC 281
TRANSLYVANIA COUNTY

SITE 27



STATION 181+00


- EXISTING PIPE IS NOT SHOWN DUE TO ALIGNMENT CHANGE

NOTE: PROPOSED PIPE WILL BE PERCHED DUE TO STEEPNESS OF FILL SLOPE AS WAS THE EXISTING PIPE.

PROP.
2879.23'

00

EX.
2872.74'

- EXISTING PIPE 50' OF 24" CSP
- PROPOSED PIPE 80' OF 30" CSP
-  PROPOSED 6' OF CLASS B STONE RIP-RAP

WHERE EXISTING PIPE IS REMOVED FROM EXISTING ROAD, STREAM BANKS WILL BE SLOPED, MATTED, AND PLANTED WITH NATIVE RIPARIAN VEGETATION. CROSS VANES WILL BE USED WHERE NEEDED FOR GRADE CONTROL

SITE 28

WBS 34351.1.5
R-0619E
NC 281
TRANSYLVANIA COUNTY

204+00.00
30' LT
204+00.00
35' LT

EXISTING R/W

INSTALL 45'
OF 18" CSP

REMOVE 25'
OF 18" CSP

STATION 204+70

NOTE: PROPOSED PIPE WILL BE PERCHED DUE TO STEEPNESS OF SLOPE AS WAS THE EXISTING PIPE.

EXISTING PIPE 25' OF 18" CSP

PROPOSED PIPE 45' OF 18" CSP

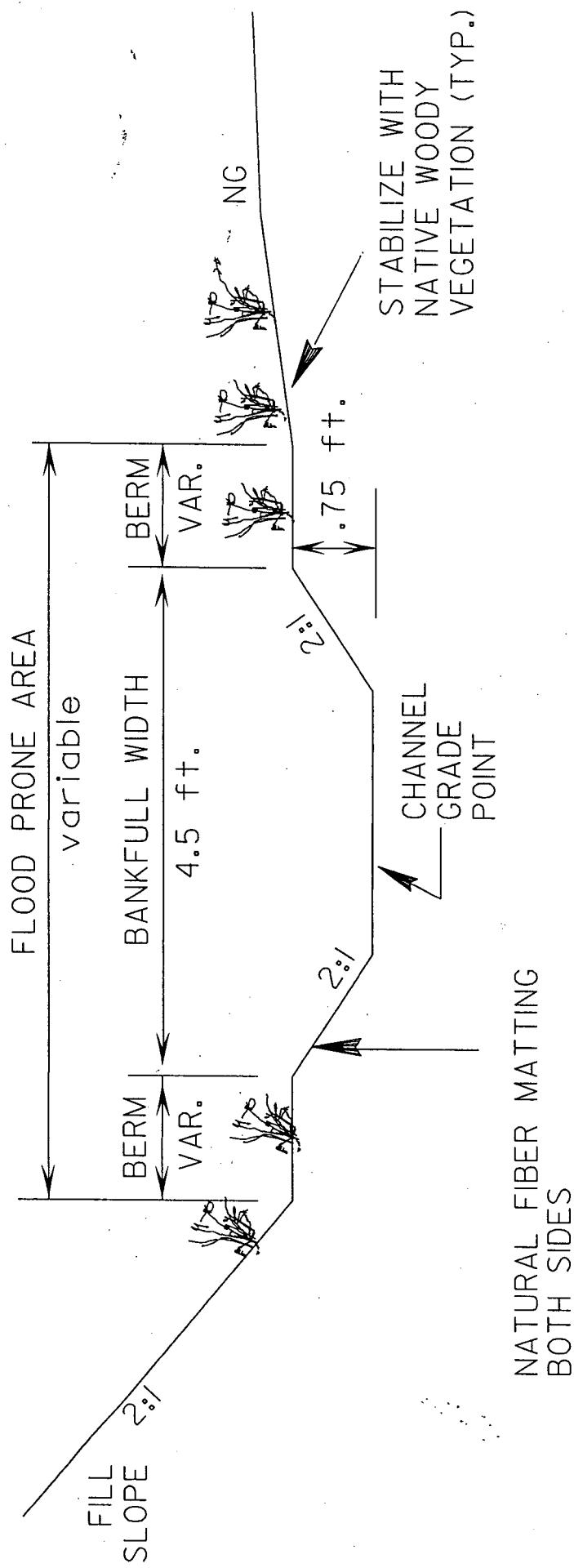
GRADE TO DRAIN

EX. 3056.36'

PROP. 3051.93'

3051.67'

PROPOSED 6' OF CLASS B STONE RIP-RAP



R-619E
NC 281
TRANSYLV.

CROSS SECTION DIMENSIONS

UNNAMED TRIBUTARY TO WEST FORK FRENCH BROAD RIVER IN TRANSYLVANIA COUNTY